

Michael K. Plimack (SBN 133869)
Scott Schrader (SBN 219673)
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091
Email: sschrader@cov.com
Email: mplimack@cov.com

Byron Cooper (SBN 166578)
530 Lytton Avenue, Suite 200
Palo Alto, California 94301
Telephone: (650) 283-4244
Facsimile: (650) 617-3201
Email: bcooper@teklaw.co
Henry C. Bunsow (Bar No. 060707)

George F. Pappas (admitted *pro hac vice*)
COVINGTON & BURLING LLP
1201 Pennsylvania Ave. N.W.
Washington, DC 20004-2401
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
Email: gpappas@cov.com

Bunsow De Mory Smith & Allison LLP
55 Francisco Street, Suite 600
San Francisco, CA 94113
Telephone: 415-426-4747
Facsimile: 415-426-4744
S. Calvin Capshaw (admitted pro hac vice)
Elizabeth L. DeRieux (admitted pro hac vice)

*Counsel for Defendant Microsoft Corporation
(Counsel for other Defendants are listed in
the signature block)*

John E. Lord (SBN 216111)
Capshaw DeRieux, LLP
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: ccapshaw@capshawlaw.com
Email: ederieux@capshawlaw.com

Attorneys for Plaintiff MedioStream, Inc.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MEDIOSTREAM, INC.,

Case No.: 3:11-cv-2525-RS (JCS)

Plaintiff,

V.

MICROSOFT CORPORATION, ET AL.,

Defendants.

**STIPULATION AND [PROPOSED]
ORDER DISMISSING ALL CLAIMS
OF '172 PATENT AND ALL CLAIMS
OF '655 PATENT EXCEPT CLAIMS
10 AND 11**

Judge: Hon. Richard G. Seeborg
Place: San Francisco Courthouse,
Courtroom 3 – 17th Floor

1 WHEREAS Plaintiff MedioStream, Inc. (“MedioStream”) hereby represents and
2 warrants that it owns all right, title, and interest in U.S. Patent Nos. 7,283,172 (“the ’172
3 patent”) and 7,009,655 (“the ’655 patent”) (collectively, “the Asserted Patents”);

4 WHEREAS MedioStream alleges that Defendants Acer America Corp., Dell Inc.,
5 Gateway, Inc., Sonic Solutions LLC, Sony Corp., Sony Electronics Inc., and Microsoft Corp.
6 (collectively, “Defendants”) are directly infringing and/or indirectly infringing the Asserted
7 Patents, and further allege that certain Defendants have willfully infringed the Asserted Patents;

8 WHEREAS Defendants deny these allegations and seek a declaration that the Asserted
9 Patents are invalid, unenforceable, and not infringed;

10 WHEREAS on February 8, 2013, the Court issued an Order re Motion to Stay (Dkt. No.
11 873) stating that “Accordingly, on or before February 14, 2013, MedioStream shall file written
12 confirmation that it is electing to dismiss all claims with prejudice except those arising from
13 claims 10 and 11 of the ’655 Patent”; and

14 WHEREAS on February 8, 2013, pursuant to the Court’s Order, MedioStream filed a
15 written confirmation that MedioStream is electing to dismiss all claims of the ’172 patent and all
16 claims of the ’655 patent with prejudice except claims 10 and 11 of the ’655 patent (Dkt. No.
17 874);

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among
19 the undersigned counsel, on behalf of their respective clients:

20 For an order pursuant to Fed. R. Civ. P. 41(a)(2): (1) dismissing all claims and causes of
21 action of MedioStream as to the accused products in the litigation and as to all claims of the
22 ’172 patent and all claims of the ’655 patent with prejudice, except claims 10 and 11 of the ’655
23 patent, and (2) dismissing all counter-claims of the Defendants as to all claims of the ’172 patent
24 and all claims of the ’655 patent without prejudice, except claims 10 and 11 of the ’655 patent.

25 **IT IS SO STIPULATED.**

26 Dated: February ____, 2013

27 Respectfully submitted,

28 /s/ Michael K. Plimack
Michael K. Plimack

Scott A. Schrader
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111-5356
(415) 591-6000
(415) 591-6091 (fax)
Email: sschrader@cov.com
Email: mplimack@cov.com

George F. Pappas
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
(202) 662-6000
(202) 662-6291 (fax)
Email: gpappas@cov.com

Counsel for Defendant Microsoft Corporation

/s/ L. Howard Chen (with permission)

L. Howard Chen (SBN 257393)
Elaine Y. Chow (SBN 194063)
Holly A. Hogan (SBN 238714)
K&L GATES LLP
4 Embarcadero Center, Suite 1200
San Francisco, CA 94111
Telephone: (415) 882-8200
Facsimile: (415) 882-8220
Email: howard.chen@klgates.com
Email: elaine.chow@klgates.com
Email: holly.hogan@klgates.com

Counsel for Defendants Acer America Corporation and Gateway, Inc.

/s/ *Joshua Parker (with permission)*

Joshua Parker (SBN 264109)
BAKER BOTTS L.L.P.
1001 Page Mill Rd., Building 1, Suite 200
Palo Alto, CA 94304
Telephone: (650) 739-7500
Facsimile: (650) 739-7699
Email: josh.parker@bakerbotts.com

Roger Fulghum (pending pro hac vice)
Baker Botts L.L.P.
910 Louisiana St.
Houston, TX 77002-4995
Telephone: (713) 229-1707
Facsimile: (713) 229-2707
Email: roger.fulghum@bakerbotts.com

Counsel for Defendant Dell Inc.

1
2 Dated: February ___, 2013

Respectfully submitted,

3 /s/ Bryon Cooper (with permission)

4 Byron Cooper (SBN 166578)
5 530 Lytton Avenue, Suite 200
6 Palo Alto, California 94301
7 Telephone: (650) 283-4244
8 Facsimile: (650) 617-3201
9 Email: bcooper@teklaw.co

10 Henry C. Bunsow (Bar No. 060707)
11 BUNSOW DE MORY SMITH &
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13 55 Francisco Street, Suite 600
14 San Francisco, CA 94113
15 Telephone: 415-426-4747
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19 John E. Lord (SBN 216111)
20 CAPSHAW DERIEUX, LLP
21 1127 Judson Road, Suite 220
22 Longview, TX 75601
23 Telephone: (903) 236-9800
24 Facsimile: (903) 236-8787
25 Email: ccapshaw@capshawlaw.com
26 Email: ederieux@capshawlaw.com

27 *Attorneys for Plaintiff MedioStream, Inc.*

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20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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23 Dated: 3/18 ___, 2013

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The Hon. Richard G. Seeborg
United States District Court Judge
Northern District of California